

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-19 are pending in this application, Claims 1-3, 8-10, and 17-19 having been presently amended. Support for amended Claims 1-3, 8-10, and 17-19 can be found, for example, in the original claims, drawings, and specification as originally filed.¹ No new matter has been added.

In the outstanding Office Action, Claims 1-7 were rejected under 35 U.S.C. §101; and Claims 1-18 were rejected under 35 U.S.C. §103(a) as unpatentable over Kikuchi et al. (U.S. Patent Publication No. 2002/0010740; hereinafter "Kikuchi") in view of Asahi et al. (U.S. Patent Publication No. 2002/0114455; hereinafter "Asahi").

Applicants acknowledge with appreciation the courtesy of Examiner Quader in discussing this case with Applicants' representative on November 17, 2008, during which time the 35 U.S.C. §101 rejection in the outstanding Office Action was discussed as described below. No agreement was reached during the interview pending a formal response to the outstanding Office Action.

In response to the rejection of Claims 1-7 under 35 U.S.C. §101, Applicants respectfully submit that Claim 1 defines statutory subject matter. Amended Claim 1 is directed towards a communication apparatus which includes, *inter alia*, a processor. Thus, Claim 1 is clearly directed to an article of manufacture as Claim 1 recites hardware components and physical structures.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §101 be withdrawn.

¹ See page 29, line 4 to page 31, line 22 of the specification; and Figure 10.

In response to the rejection of Claims 1-18 under 35 U.S.C. §103(a) as unpatentable over Kikuchi in view of Asahi, Applicants respectfully submit that amended independent Claim 1 recites novel features clearly not taught or rendered obvious by the applied references.

Applicants' independent Claim 1 is directed to a communication apparatus including, *inter alia*:

a processor;

reception means for receiving a retrieval keyword, used to request contents, transmitted from an external device;

retrieval means for retrieving contents from a database based on the retrieval keyword received by the reception means;

page information generation means for generating page information to be displayed on the external device including list information of contents retrieved by the retrieval means, and appending notification information that displays whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively reproduce audibly and/or visually part of the retrieved contents included in the list information respectively to the page information; and

transmission means for transmitting the page information generated by the page information generation means to the external device.

Page 4 of the outstanding Office Action acknowledges that Kikuchi fails to describe appending information that displays whether or not page information is provided with a consecutive reproduction function of making an external device consecutively reproduce part of contents included in list information. In an attempt to remedy the above-identified deficiency of Kikuchi, the outstanding Office Action cites Asahi. However, Asahi fails to teach or suggest "page information generation means for generating page information to be displayed on the external device including list information of contents retrieved by the retrieval means, and ***appending notification information that displays whether or not the***

page information is provided with a consecutive reproduction function of making the external device consecutively reproduce audibly and/or visually part of the retrieved contents included in the list information respectively to the page information,” as recited in Applicants’ independent Claim 1.

Page 4 of the outstanding Office Action asserts that paragraph [0027] of Asahi describes Applicants’ claimed “appending information” and “consecutive reproduction” features. Applicants respectfully disagree.

Paragraphs [0026] and [0027] of Asahi state:

The encoder 314 converts the input from the selector 319 to produce one or more copies of encoded digital content on the basis of the one or more encoding parameters input from the encoding parameter generator 315 and outputs the encoded content which is then supplied to the encryption mechanism 316. Each copy of encoded digital content supplied to the encryption mechanism 316 is an encoded version of the digital content received at the digital content input 201 that has been encoded based on the encoding parameter.

In one embodiment, the encoder 314 applies each of the one or more encoding parameters to the input received from the encoding parameter generator 315 to produce the one or more copies of encoded digital content. Alternatively, each successive copy of encoded digital content may be produced from a preceding copy of encoded digital content. Thus, for example, a first encoding parameter is applied to the input received from the encoding parameter generator 315 to produce a first copy of encoded digital content. Next, a second encoding parameter is applied to the first copy of encoded digital content to produce a second copy encoded digital content. A third encoding parameter is applied to the second copy of encoded digital content to produce a third copy of encoded digital content, and so on. Variations of this alternative are possible; for example, the same encoding parameter can be used to produce the second and third (and subsequent) encoded digital content.

However, paragraph [0027] of Asahi merely describes that an encoder 314 applies one or more encoding parameters to an input received from an encoding parameter generator 315 to produce one or more copies of encoded digital content. Asahi also describes that each

successive copy of encoded digital content may be produced from a preceding copy of encoded digital content. Thus, Asahi at paragraph [0027] merely describes producing multiple copies of encoded digital content. Asahi does not describe appending notification information to page information including a list information of contents retrieved by the retrieval means, and that the notification information displays whether or not the page information is provided with a consecutive reproduction function making *the external device consecutively reproduce audibly and /or visually* part of the *retrieved contents* included in the list information.

In other words, in Asahi, there is no displaying of notification information that displays whether or not the page information has a consecutive reproduction function which makes the external device consecutively reproduce audibly and/or visually retrieved contents. As described above, in Asahi, digital contents are merely copied, they are not audibly or visually reproduced consecutively.

Accordingly, Applicants respectfully submit that independent Claim 1 (and all claims depending thereon) patentably distinguishes over Kikuchi and Asahi.

Independent Claims 8 and 9 are directed to a communication method and a computer readable medium, respectively, and recite, *inter alia*,

...generating page information to be displayed on the external device including list information of retrieved contents, and appending notification information that displays whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively audibly and/or visually reproduce part of the retrieved contents included in the list information respectively to the page information....

Thus, Applicants respectfully submit that independent Claims 8 and 9 (and all claims depending thereon) are patentable for at least the reasons discussed above.

Independent Claim 10 is directed to communication apparatus including, *inter alia*:

... page information reception means for receiving page information to be displayed on the external device including the list information of contents and notification information indicating that part of respective contents included in the list information can be consecutively reproduced audibly and/or visually, which are transferred from the external device in answer to the request information requesting the list information

Thus, Applicants respectfully submit that independent Claim 10 (and all claims depending thereon) is patentable for at least the reasons discussed above.

Independent Claims 17 and 18 are directed to a communication method and computer readable storage medium, respectively, including the step of

... receiving page information to be displayed on the external device including the list information of contents and notification information indicating that part of respective contents included in the list information can be consecutively reproduced audibly and/or visually, which are transferred from the external device in answer to the request information requesting the list information....

Thus, Applicants respectfully submit that independent Claims 17 and 18 are patentable for at least the reasons discussed above.

Independent Claim 19 is directed to a communication apparatus that retrieves contents and provides thus retrieved contents, including

... a page information generation unit configured to generate page information to be displayed on the external device including list information of contents retrieved by the retrieval unit, and appending notification information that displays whether or not the page information is provided with a consecutive reproduction function of making the external device consecutively reproduce audibly and/or visually part of the retrieved contents included in the list information respectively to the page information....

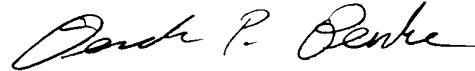
Applicants respectfully submit that independent Claims 19 is also patentable for at least the reasons discussed above.

Accordingly, Applicants respectfully request that the rejection of Claims 1-19 under 35 U.S.C. §103(a) as unpatentable over Kikuchi in view of Asahi be withdrawn.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)
DPB/rac

Derek P. Benke
Registration No. 56,944

I:\ATTY\DPB\27's\279200US\279200US-AM2.doc